

Lincoln Police Department Thomas K. Casady, Chief of Police 575 South 10th Street Lincoln, Nebraska 68508

402-441-7204 fax: 402-441-8492



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

May 21, 2004

Mayor Seng and City Council City of Lincoln City County Building Lincoln, NE

Mayor Seng and Members of the City Council:

An investigation has been made regarding the application of Osco Drug, 5500 South 56th Street, and 130 North 66th requesting a class C liquor license.

Osco Drug new parent company is Albertson's incorporated. The have requested that Donald Westerlin be approved as the manager of these two licenses.

Mr. Westerlin is currently the manager of two class D liquor licenses at these locations.

Background information on Mr. Westerlin will be omitted as Council has previously approved this applicant.

For Councils information if issued the class C liquor licenses allow for on premise consumption. It has been stated that the request for the class C liquor license is to be used for sampling purposes only.

If this application is approved the Lincoln Police Department requests the following conditions be added to the liquor license:

The on premise consumption of alcohol shall be limited to samplings of 2 ounces or less of any alcoholic beverage.

If this application is approved, it should be with the understanding that it conforms to all the rules and regulations of Lincoln, Lancaster County and the State of Nebraska.

THOMAS K. CASADY, Chief of Police

had Comos



STATE OF NEBRASKA



Mike Johanns Governor

> City Clerk of Lincoln City/County Building 555 S 10 Street Lincoln, NE 68508

RE: Liquor License C #63389

Dear Local Governing Body:

Attached is the form to be used on all retail liquor license applications. Local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license at time of issuance.

TWO KEY TIME FRAMES TO KEEP IN MIND ARE:

 You have 45 days to conduct a hearing after the date of receipt of the notice from this Commission (§53-134). You may choose NOT to make a recommendation of approval or denial to our Commission.

May 18, 2004

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- There is a recommendation of denial from the local governing body,
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

PLEASE NOTE A LICENSEE MUST BE "PROPERLY" LICENSED IN ORDER TO PURCHASE FROM WHOLESALERS, AND A LICENSE IS EFFECTIVE:

Upon payment of the license fees;

2) Physical possession of the license:

3) Effective date on the license.

Rhonda R. Flower

Enclosures Commissioner

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION

Jackie B. Matulka Licensing Division

Bob Logsdon

Chairman

R.L. (Dick) Coyne
Commissioner

NEBRASKA LIQUOR CONTROL COMMISSION

web address: http://www.nol.org/home/NLCC/

Hobert B. Rupe Executive Director

P.O. Box 95046

Fax (402) 471-2814

301 Centennial Mall South, 5th Floor

Lincoln, Nebraska 68509-5046 Phone (402) 471-2571

TRS USER 800 833-7352 (TTY)

An Equal Opportunity/Affirmative Action Employer

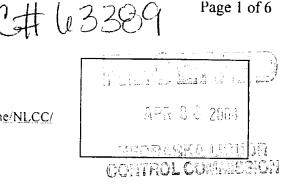
FORM 35-4001 REV. 12/99

APPLICATION FOR LICENSE

Nebraska Liquor Control Commission PO Box 95046, 301 Centennial Mall South Lincoln, NE 68509-5046

http://www.nol.org/home/NLCC/ Phone: (402) 471-2571

Fax: (402) 471-2814



INSTRUCTIONS: Include: 1. Applicable fees payable to Liquor Control Commission 2. Copy of birth certificate or naturalization papers proving U.S. citizenship for each individual and spouse named on application (not required of corporations or spouse(s) who file an affidavit of no interest with application, Commission form 4178 3. Corporations must include copy of articles of incorporation as filed with the Secretary of States office in the state of Nebraska 4. Commission checklist, form 4251 5. Fingerprint cards and processing fees (are required of individuals, all partners and spouses. Corporate applicants must file for CEO/Manager & stockholders holding over 25% stock 6. All applications must be typewritten or printed clearly 7. Submit in Triplicate 8. Required areas marked by a red asterisk (*)

CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND LIST OF FEES FOR EACH

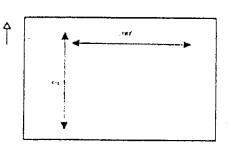
SEASO OF EIGENSE FOR WHICH AFFEICATION IS M	T T T T T T T T T T T T T T T T T T T	AST OF FEES FOR	·····
Class of License (Check applicable class) *	Registration Fee	License Fees	Corporate Surety Bond
A Beer, On Sale Only - Inside Corporate Limits	\$45.00	Collected a Local Level	exempt
F Beer, On Sale Only - Outside Corporate Limits	\$45.00	Collected at Local Level	exempt
B Beer, Off Sale Only - Inside/Outside Corporate Limits	\$45.00	Collected at Local Level	exempt
J Wine, Beer, On Sale Only - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
Spirits, Wine, Beer, On Sale Only - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
D Spirits, Wine, Beer, Off Sale Only - Inside Corporate Limits	\$45.00	\$150.00	exempt
D1 Spirits, Wine, Beer, Off Sale Only - within extraterritorial zoning jurisdiction	\$45.00	\$150.00	exempt
C Spirits, Wine, Beer On & Off Sale - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
M Bottle Club (Spirits, Wine, Beer, On Sale)	\$45.00	Collected at Local Level	exempt
☐ H Nonprofit Corporation	\$45.00	Collected at Local Level	exempt
□ K Wine Only, Off Sale	\$45.00	Collected at Local Level	exempt
□ O Boat	\$45.00	\$50.00	exempt
V Manufacturer of Beer, Wine & Distilled Spirits	\$45.00	Varies \$100 to \$1,000	\$10,000 min.
X Wholesale Liquor	\$45.00	\$500.00	\$ 5,000 min.
□ W Wholesale Beer	\$45.00	\$250.00	\$ 5,000 min.
□ Y Farm Winery	\$45.00	\$250.00	\$ 1,000 min.
L Craft Brewery (Brew Pub)	\$45.00	\$250.00	\$ 1,000 min.

TYPE OF APPLICATION *	CORPORATE SURETY BOND INFORMATION		
Type of application being applied for (check appropriate box)	Bond Company - for Classes L V W X Y only		
 Individual License requires Form 1 to be attached. Partnership License requires Form 2 to be attached. Corporate License requires Forms 3 and Manager Application to be attached 	Start Date Month/Day/Year Bond Number		

SECTION A LOCATION INFORMAT Trade Name (name of business) Osco Drug # 5218			Telephone Number at premise to be licensed			
1) Street Address of Proposed licensed premise 5500 S. 56th Street		Commission mailings	Mailing Address for receipt of Liquor Control Commission mailings 1955 W. North Avenue			
City Lincoln	County	City Melrose Park, IL	County			
Zip Code 68516	׳	Zip Code 60160				

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

In the space provided draw the area to be licensed. This should include storage areas, basement, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building in situations where only a portion of the entire bldg. is to be covered by the license. No blue prints will be accepted. Be sure to indicate the direction North and number of floors of the building.



Example: East portion approximately 50' x 100' of main floor of 3 story building plus basement. Approximately 30' x 50' at the East end

Total Building - 14,115 sq. ft. - The entire building is licensed. The attached sheet depicts (highlighted) where liquor is merchandised in the store.





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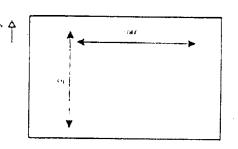
MEBRASKA LIQUOR CONTROL COMMISSION

TYPE OF APPLICATION *	CORPORATE SURETY BOND INFORMATION		
 2. Partnership License requires Form 2 to be attached. 3. Corporate License requires Forms 3 and Manager 	Bond Company - for Classes L V W X Y only		
Application to be attached	,		

SECTION A LOCATION INFORMATION Must be completed by all applicants					
Trade Name (name of business) Osco Drug # 5246	Telephone Number at premise to be licensed 402-467-5341				
1) Street Address of Proposed licensed premise 130-B North 66th Street	Mailing Address for receipt of Liquor Control Commission mailings 1955 W. North Avenue				
City County Lincoln Lancaster	City County Melrose Park, IL Cook				
Zip Code	Zip Code 60160				

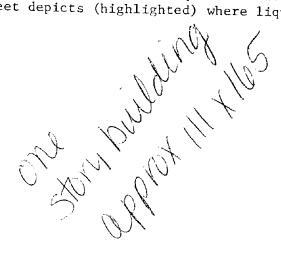
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Example: East portion approximately 50' x 100' of main floor of 3 story building plus basement. Approximately 30' x 50' at the East end.

Total Building - 15,327 sq. ft. - The entire building is licensed. The attached sheet depicts (highlighted) where liquor is merchandised in the store.





SECTION B OTHER INFORMATION REQUIRED *					
	Yes	No	Explanation/Comments Note: Only what is visible on screen will be printed		
* 1. READ CAREFULLY. Answer completely and accurately. Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any criminal charge. Criminal charge means any charge alleging a felony or misdemeanor violation of a federal or state law; or a violation of a local law, ordinance or resolution. Include any DWIs or DUIs. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.	Yes	No ©			
* 2. Are you buying the business and/or assets of a licensee? If yes, submit a copy of the sales agreement with a listing of assets being acquired including liquor inventory (name brand and container size required).	Yes	Х° С	N/A		
* 3. Are you filing a temporary agency agreement, Commission form 4231, whereby current licensee allows you to operate on their license? If yes, attach copy.	Yes	No C	up grading as		
* 4. Are you borrowing any money from any source to establish and/or operate the business? If yes, list the lender.	Yes C	No •			
* 5. Will any person or entity other than licensee be entitled to a share of the profits of the establishment? If yes, explain.	Yes ⊙	No C	The parent corporation, Albertson's Inc.		

APA 0.0 2006

CONTROL OUT TERMON

			-	
* 6. Will any of the furniture, fixtures and equipment to be used in this business be owned by others? If yes, list such items and the owner.	Yes	No •		
* 7. Will any person(s) other than named in this application have any direct or indirect ownership or control of the business? If yes, explain?	Yes	No •		
* 8. Are the premises to be licensed within 150 ft. of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, children, or within 300 ft. of a college or university campus? If yes, list the name of such institution and where it is located in relation to the premises. Per Sec. §53-177.	Yes C	No (•	4	
* 9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the persons exact duties.	Yes (No ©		
10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business and the person(s) who will be authorized to write checks and/or make withdrawals on accounts at such institutions.			ank, N.A. in Boise, ID	
11. List all past and present liquor licenses held by any person named in this application. Include license holder name, location of license and license number. Also list reasons for termination of any licenses previously held.	See attached list of NE Locations			
12. List the person who will be the on site supervisor of the business and the estimated number of hours per week such person or manager will be on the premises supervising operations.	Rob Hardman Approximately 48+ hours per week			

13. List the training and experience of the #12 above in connection with selling and/o products.	Has been employed by American Drug Stores, Inc. for approximately 25 years. He has worked in various management positions for the last 15 years.			
14. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership, if leased submit a copy of the lease covering the entire license year. (Documents must show title or lease held interest in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed)		See attached copy of lease.		
13. When do you intend to open for business?		This store is opened. This application is being submitted to request a classification change of the liquor license.		
16. List the principal residence for the past a separate sheet.		ersons required	to sign application. If necessary attach	
NAME	FROM (YEAR)	TO (YEAR)	RESIDENCE (CITY, STATE)	
Kevin H. Tripp	07/99	Present	Scottsdale, AZ	
	11/95	07/99	Sandy, UT	
	05/94	11/95	Salt Lake City, UT	
	10/93	05/94	Naperville, IL	



The undersigned applicant(s) hereby consent(s) to a background investigation and release of present & future records of every kind and description including police records, tax records (State and Federal), bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation or any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete and/or inaccurate.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public. Must be signed by applicant and spouse; if a partnership, all partners and spouses must sign and corporation, all stockholders (holding more than 25% of the stock), officers, directors and spouses must sign. Full names only, initials not acceptable.

Sign here Kevin H. Tripp Sign Here	Sign Here Linda K. Tripp Sign Here
Sign Here	Sign Here
Sign Here	Sign Here
Subscribed in my presence and sworn to before me th	
	(SEAL) NOTATY PUBLIC CORINNE M. HOPKINS LIMOS COMMISSION EXPIRES 10/16/07
In compliance with ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternative format.	Sign here M Hypkens Notary Public Signature
Veri	ify & Print form
	FORM 35-4010

REV 1/01

Application for Corporate Manager *Must Be A Nebraska Resident*

Please submit in Triplicate

301 Centenn	quor Control Commiss ial Mall So., Lincoln Ni	E 68509		FRESTA TO	
Phone: (402) 471-2571	Fax: (402) 471-281	Web address: ht	tp://www.	nol.org/home	/NLCC/
Required areas marked by	a red asterisk (*)				
	LIQUOR L	ICENSE INFORMA	ATION		
Name of Licensed Corpora		Cla	ass & Licer	nse number	
American Drug Stores,	Inc. *	C			*
Trade Name of Licensed P Osco Drug # 5246	remise *				
Street Address of Licensed		City Lincoln	*	County Lancasi	ter *
On behalf of the corporation	on, I designate this individual	dual as corporate manager			
Signature of Corpora		Kevin H. Tripp/	V		
AP	PLICANT INFOR	MATION (MUST BI	E 21 OR	OVER)	
Full Name (Last, First, Mic Westerlin, Don, Douglas		Se F C	ex * M	Social Securi	ty Number *
Date of Birth *	Place of Birth North Platte, N	JE	*		
Home Street Address 3906 Village Court	*	City Lincoln	*	County Lancasto	er *
State *	Zip Code 68516 *	Home Telephor 402-423-1987			
Business Telephone Number 402-423-3839 *	er	Drivers License Number	:k		State NE *
Are You Married? * Yes	s • No C If Yes, Y	ou must complete the foll	owing:		
					Í

Full Name (Last, First, Middle, Maiden)		Social Security Number
Westerlin, Mary, Kay, Owen		
Drivers License Number	State NE	Date of Birth A 22 G G G G G
Place of Birth St. Louis, MO		
* 1. READ CAREFULLY. Answer completely and accurat Has anyone who is a party to this application, or their spouse charge. Criminal charge means any charge alleging a felony violation of a local law, ordinance or resolution. List the natural and month of the conviction or plea. Also list any charges perplease list charges by each individual's name. Yes No	, ever been convicted or misdemeanor violates whe	ition of a federal or state law; or a
* 2. Have you or your spouse ever made application for any for what premise give license number and date.	liquor license or mana	ager for any liquor license? IF YES,
Yes No See attached copy of Lincoln	locations	
* 3. Have you or your spouse ever made a compromise settle	ment for violation of	such laws?
Yes No		
* 4. Do you, as a manager, have all the qualifications required License? Nebraska Liquor Control Act (§53-131.01)	d by any person entitl	ed to hold a Nebraska Liquor
Yes No		
* 5. Have you filed fingerprint cards and PROPER FEES (if application?	check, make out to t	he NE State Patrol), with this
Yes No		

RESIDENCES SINCE AGE 18, APPLICANT AND SPOUSE MUST COMPLETE					
Applicant: City & State	Y	ear To	APR 2 3 2860		
Lincoln, NE Spouse: City & State	1986	Pres	CONTRACTOR OF TRACT		
Lincoln, NE	1986	Pres	i gar igar i vi mi − m		
Annilianus Circ o G	Ye From	ear To			
Applicant: City & State N/A Spouse: City & State					
	Ye From	ar To			
Applicant: City & State N/A					
Spouse: City & State					
	Yea From	ar To			
Applicant: City & State					
Spouse: City & State					
EMPLOYERS -	LIST	LAS	T TWO EMPLOYERS		
Name of Employer American Drug Stores, Inc.d/b/a Osco Drug		,	Year From To 972 Pres.		
Name of Supervisor Stan Petersen			lephone Number 13-383-3650		
Name of Employer N/A		F	Year From To		
Name of Supervisor		Te	lephone Number		
PERSONAL OATH AND CONSE	NT OI	INV	ESTIGATION - MUST BE SIGNED BY		

APPLICANT & SPOUSE

STATE OF)

COUNTY OF)

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application, that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec. §53-131.01)

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, an affidavit may be attached, however, fingerprint cards are still required to be filed.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete and inaccurate.

Signature of Applicant Don Westerlin

Signature of Spouse (if applicable)
Mary Westerlin

Subscribed in my presence and sworn to before me this

Ol MMI/ 5/51015

Notary Signature & Seal

Notary Signature & Seal

GENERAL NOTARY - State of Nebraska
TAMMY S. PETERS
My Comm. Exp. May 6, 2007

Verify and Print

GENERAL NOTARY-State of Nebraska

DAVID L. NELSON

My Comm. Exp. May 8, 2004

FORM 35-4013 REV. 2/01

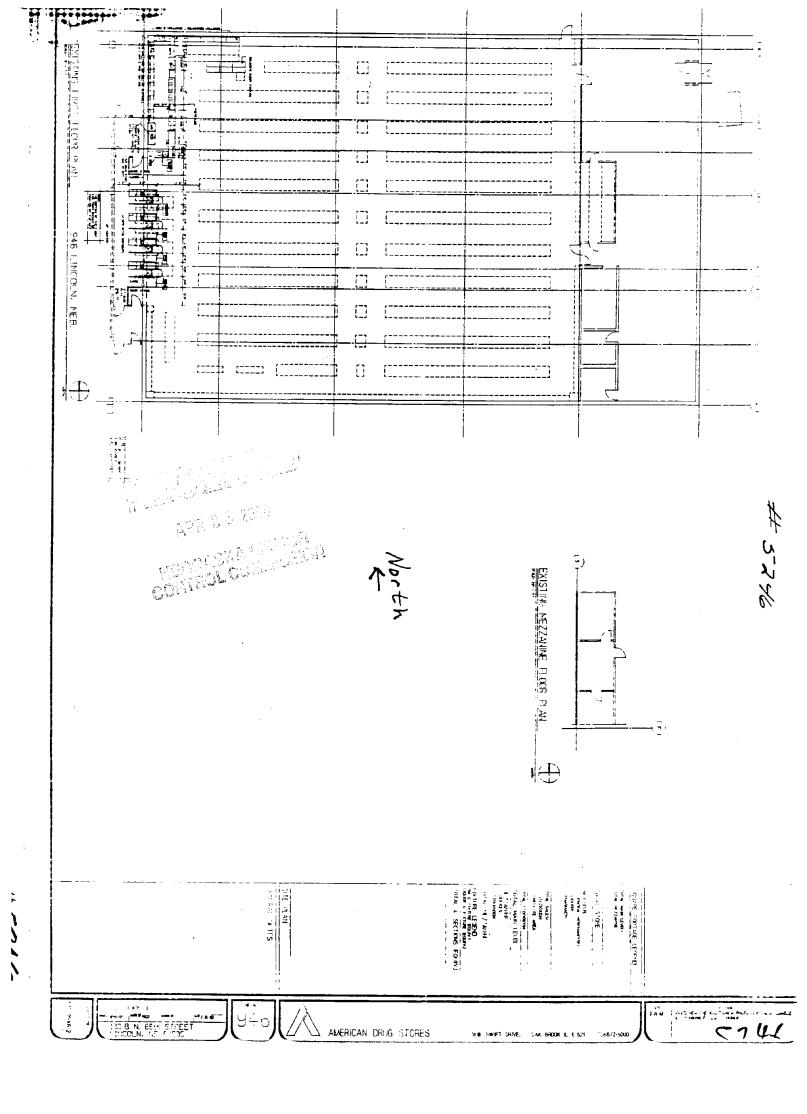
Corporation/LL Nebrask	C Application for ka Liquor Control C	or License - Form 3 Commission	3		
INSTRUCTIONS: 1) Application and application fo 2) Fingerprint cards (2 cards per over 25% of the stock, b) chief example and the stock of the stock	er owning				
Name of Corporation That Will Incorporation American Drug Stores, Inc.	l Hold License. Attach	copy of Articles of		Number of Shares (if oration) 14 *	
Corporate Street Address Mailing address for receipt of Liquor Control Commission Mailings 15100 North 90th Street * Mailing address for receipt of Liquor Control Commission Mailings 1955 W.North Ave., Melrose Pk,IL6016 *					
Corporate Telephone Number 480/767-4000 *	City Scottsdale *	County Maricopa *	State AZ *	Zip Code 85260 * -	
Name of Registered Agent Don Westerlin	*	Name of Proposed Rob Hardman	Manager	*	
IN THIS SEC	TION LIST THE NA	ME OF THE CHIEF EXI	ECUTIVE.	E OFFICER	
Name Kevin H. Tripp	*	Title President	*	Date of Birth *	
Social Security Number	Home Address (1) 9290 E.Thompson	Peak Pkwy. # 494 *		City Scottsdale *	
State Zip Code AZ * 85255	e	p	Telephone 1 19-1940		
PRINCIPLE OFF	ICERS, DIRECTORS	S, STOCKHOLDERS, ME	EMBERS	AND SPOUSES	
Name of Officers, Directors, Me Give Last Name, First Name, Many aliases	embers and Spouses.	Social Security	e of Birth	Title	
Name					
See Attached Annual Report			M		
Spouse Name					

Spouse Number of Shares / %

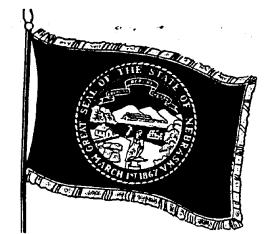
Name of Officers, Directors, Members and Spouses.

Partner Number of Shares / %

Is this Corporation/LLC controlled by another Corporation	2
Yes • No C	•
Name of control Corporation	
Albertson's Inc	
If YES, LIST EACH STOCKHOLDER/MEMBER OWNII Any applicant who has a Corporation as a shareholder MUS corporations owning more than 25% stock and listing of the	NG MORE THAT 25% stock/interest in that corporation/LCC. ST file an organizational chart listing all shareholders and/or expercentage of stock owned.
Please indicate below your corporate tax year with the IRS	
Starting date: 01-30-03 Ending date: 01-29-04	
State of //)
) ss.
County County)
Notary Public Signature & Seal Notary Public Signature & Seal "OFFICIAL SEAL" PUBLIC CORINNE M. HOPKINS ALMOSS COMMISSION EXPIRES 10/16/07	By Win President Member Kevin H. Tripp
In Compliance with ADA, this form is available in other	
formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.	Assistant Secretary/MemberBarbra A. Nunziato
	•
Verify For	m and Print
	FORM 35-4183



STATE OF



NEBRASKA

TOWNS MAN TOWN TO STATE OF STA

United States of America.
State of Nebraska

ss.

I. Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Amended Certificate of Authority to transact

OSCO DRUG, INC.

business in the State of Nebraska for

a Illinois

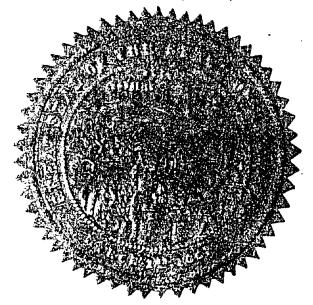
corporation, changing name to

AMERICAN DRUG STORES, INC.

as filed in this office on February 3, 1989.

I further certify that said corporation is authorized to transact business in the State of Nebraska as a foreign corporation.

In Testimony Whereof,



I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Bone at Cincoln this

third

day of February

in the year of our Tord, one thousand nine hundred and eighty-nine.

allen J. Belrmann
SECRETARY OF STATE

DEPUTY